

**IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

UNITED STATES OF AMERICA)	
)	
V.)	CR. No.: 2:05cr290-T
)	
EDDIE ANDREW GORDON)	

MOTION TO WITHDRAW AND FOR SUBSTITUTION OF COUNSEL

COMES NOW undersigned counsel and moves to withdraw as counsel for Eddie Andrew Gordon and requests this Court permit the substitution of CJA Panel Attorney, Banks Smith, Esq.

In support of this motion, undersigned counsel states:

1. On February 8, 2006, undersigned counsel was appointed to represent Mr. Gordon.
2. Based upon Mr. Gordon's belief that undersigned counsel: a) failed to zealously represent him, b) properly negotiate a favorable case resolution, c) adequately challenge and investigate the government's proof, and d) adequately advise him prior to his entry of a plea of guilty of the strength (or weakness) of the government's case, Mr. Gordon no longer wishes to assist counsel and expressed verbal hostility towards undersigned counsel's continued representation.
3. Meetings between undersigned counsel and Mr. Gordon have not been able to resolve the breakdown in communication and/or trust and Mr. Gordon requests new counsel be appointed.
4. These disputes and Mr. Gordon's unwillingness to communicate with undersigned counsel has led to irreconcilable differences between Mr. Gordon and counsel. It is therefore, in the interest of justice to allow undersigned counsel to withdraw and substitute new counsel who may better communicate with Mr. Gordon.

5. CJA Panel Attorney, Banks Smith, has agreed to accept appointment of Mr. Gordon.

WHEREFORE, for the reasons set forth above, undersigned counsel respectfully requests the court relieve, Kevin L. Butler as counsel for Mr. Gordon and court appoint Banks Smith as counsel for Mr. Gordon.

Respectfully submitted,

s/ Kevin L. Butler
KEVIN L. BUTLER
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CERTIFICATE OF SERVICE

I hereby certify that on April 13, 2006, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system which will send notification of such filing to the following:

Tommie Hardwick, Esquire
Assistant United States Attorney
One Court Square, Suite 201
Montgomery, Alabama 36104

Respectfully submitted,

s/ Kevin L. Butler
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